



A VOICE FOR INJURED PEOPLE

2018 ANNUAL REPORT
& ACCOUNTS



CONTENTS

President's report	4
Secretary's report	6
Annual review	8
Financial report	28
Report of the Executive Committee	30
Independent Auditor's report	32
Financial statements	34
APIL Officers and Executive Committee members	39

AIMS & OBJECTIVES

- To promote full and just compensation for all types of personal injury;
- To promote and develop expertise in the practice of personal injury law;
- To promote wider redress for personal injury in the legal system;
- To campaign for improvements in personal injury law;
- To promote safety and alert the public to hazards wherever they arise;
- To provide a communication network for members.

PRESIDENT'S REPORT



“The strength of APIL is its members, its staff and the shared common purpose of doing the right thing for a voice that would be drowned out”



“It would be easy for us all as members of such a team to sit back and just talk about those successes. That is not the landscape we are in. We face continual threats from what some call reform”

This report is not about beans and bullets; the things that an army, or an organisation for that matter needs to exist. It is about those things that this organisation needs to succeed; the right team, the right structure and the right focus.

The strength of APIL is its members, its staff and the shared common purpose of doing the right thing for a voice that would be drowned out by the self-interest of insurance companies and forgotten by a society with ever busier lives: the voice of the injured person.

Over the last year APIL has continued to lead on the issues that matter to its membership and achieving that common purpose. It is, of course, always an ongoing battle. We have been in the right rooms to speak to the people needed to be effective in doing that. We have responded to consultations, lobbied, researched and spoken out in the media to further those aims. Beyond that we have been delivering on the thing that other organisations ignore. We have been, as ever, at the forefront of ensuring that the injured person gets the best representation available through the sharing of knowledge and provision of robust standards of accreditation based on the skills an injured person needs their lawyer to have. Those are the things that our membership, and the wider sector come to expect of APIL as a grown up, proven and effective organisation.

It would be easy for us all as members of such a team to sit back and just talk about those successes. That is not the landscape we are in. We face continual threats from what some call reform. We should not be afraid of genuine reform, but where it is based on a fundamentally flawed premise put forward by self-interested insurers we need to make sure we challenge that effectively.

In my second year as president I have focused on making the organisation more effective in the future. At the heart of that has been three key strands of work:

1. Listening to our members;
2. Re-structuring the organisation to enable it to harness its biggest strength – the members; and
3. Making it easier for those members to take part all the way up to being president

Gordon Dalyell and I have, as many of you will know, travelled extensively to talk to, and listen to, our members where they work in their firms. This has been invaluable. Every single visit has confirmed to me that we all share a common purpose and that we have some fantastically talented and committed members. The membership is what makes APIL strong and involving that membership more in what APIL does is the key to the success of the organisation.

I have always firmly believed that every member should be able to aspire to be President. The re-structuring you will vote on at this AGM is the result of the collective hard work of the Executive Committee and the staff to deliver on that goal of enabling membership involvement and harnessing that immense pool of talent to deliver on our common purpose. I would commend it to you.

We have, of course, also concluded an extremely robust recruitment process of a new CEO. That role is crucial and we have someone who will do more delivering than talking. He will help in focussing our strategy for the future.

I would like to end by talking about the future. My role, and that of all presidents, has always been as a caretaker of what I have come to see as a kind of family business. The Executive Committee and the staff are those entrusted by that wider family of members with their common purpose. I could not be any more content than I am in being able to pass that role on to Gordon, who I have worked with very closely over the last two years, with the knowledge that the structure will be in place for the organisation to be more effective and for the wider family to get more involved.

Brett Dixon President

SECRETARY'S REPORT



“Last year we had the unexpected general election and this year, politically, events have been dominated by Brexit, though this has not stopped reforms to civil litigation”



I would like to start my report by thanking the other officers and the senior management board. This year we had the benefit of continuity as Brett Dixon remained in post as President and Gordon Dalyell as Vice President. That has been helpful at a time of change and it is good both have felt able to commit to the time involved. Brett, Gordon and our new Treasurer, Jill Greenfield, have been a huge support to me in my role as secretary.

I would also like to particularly thank Lorraine Gwinnutt, Abi Jennings and Marlene Lord who have so ably helped to run the organisation whilst we have been in the process of recruiting a new CEO.

A new CEO has been appointed and by the time of the AGM details of that appointment will have been announced.

The process of appointing a new CEO gave an opportunity to look at APIL's structure and consider ways of improving and updating the way the association is organised. That review has resulted in a revision to the Articles of Association and efforts to open up roles within the organisation to a wider pool of members.

There have, of course, been other staff changes during the year and I am also pleased to welcome Alison Watson, HR and Welfare Adviser, Sarah Hudson, Events Organiser and Megan Pownall, Events Organiser to the organisation.

The current head count at APIL is 24, four of whom are in part time positions.

Last year we had the unexpected general election and this year, politically, events have been dominated by Brexit, though this has not stopped reforms to civil litigation which have such significant effects on us, and more importantly, the injured people we represent. APIL, as ever, has remained ready to engage with all opinion formers as stakeholders during these times of political uncertainty.

I am glad to have had the opportunity of meeting, at training events and regional meetings, many members throughout the year and encouraged at the commitment of those members and remain very encouraged by the commitment of those members to the work we do.

John McQuater Secretary

“The process of appointing a new CEO gave an opportunity to look at APIL’s structure and consider ways of improving and updating the way the association is organised”

ANNUAL REVIEW

PUBLIC RELATIONS

Making headlines

After the media furore about the reduction in the discount rate in 2017, last year focussed on the need to maintain interest in the impact of the Civil Liability Bill on injured people.

At the start of the year, APIL's president, Brett Dixon, had a lengthy face-to-face interview with a *Financial Times* journalist who was following the Bill's progress. Further comments from APIL at various stages of the Bill's progress were published in print and on online in *The Times*, *The Financial Times*, and the *Daily Express*. In the case of the latter, the focus was on APIL's message that the Government had "abandoned the principle of 100 per cent compensation" as the Bill passed its final stages in Parliament.

APIL gave a story to *The Times* about the need for bereaved families to have legal aid funding for support at inquests. This was printed in the same week as a story from us about the potential cost to the NHS of filling gaps in care if injured people are undercompensated by the Civil Liability Bill.

Brett Dixon featured on BBC Radio 4's flagship consumer affairs programme *You and Yours* in a head-to-head interview with Government minister Lord Keen. This was ahead of the Bill receiving Royal Assent, and Brett delivered the warning that the discount rate must be set with the needs of injured people in mind.

Mail Online, the *Daily Mail's* website, used comment from APIL in its *This is Money* section about the small claims reforms and the Civil Liability Bill. *Mail Online* has more than 12 million unique visitors each day, making it one of the most read news websites in the UK.

The results of a freedom of information request were used to pitch a story to *The Sun* about the NHS errors which cause compensation claims. It was published on *The Sun* website, which reaches 5.4million unique readers daily.

On completion of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill's passage through the Scottish Parliament, commentary from APIL vice president Gordon Dalyell was included in the Scottish Parliament's press release. This was published in *The Herald*, as well as some smaller regional newspapers in Scotland.

**BBC
RADIO**



“APIL president, Brett Dixon, delivered the warning that the discount rate must be set with the needs of injured people in mind.”

“At the beginning of the year, The Times printed a letter from the association’s president, Brett Dixon, refuting an editorial comment which claimed the NHS was suffering from a ‘compensation culture’ and that many patients should settle for an apology.”

In the regions

Major regional titles to publish APIL stories in 2018 included the *Evening Standard*, *Manchester Evening News*, *Newcastle Evening Chronicle*, Glasgow’s *The Herald*, *Yorkshire Evening Post*, *Liverpool Echo*, *Lancashire Evening Post*, *Leicester Mercury*, *Birmingham Mail*, *Express and Star*, *Edinburgh Evening News*, *Belfast Telegraph* and the *South Wales Daily Post*. In 2018, the association increased its circulation in regional newspapers by nine per cent, against a backdrop of falling sales for all newspapers.

A regional story with a breakdown of the country’s most dangerous roads was issued ahead of the new year, with the bulk of the coverage published in January to tie in with the wintry weather conditions. It highlighted the need for drivers to stop their bad driving practices which can cause collisions and unnecessary injuries.

Multiple newspapers printed APIL’s story about the plight of bereaved families and their need for representation at inquests. The story linked to a review of the issue by the Ministry of Justice.

APIL continued its call for an outright ban on unsolicited phone calls and text messages touting for PI claims. At the start of the year, figures obtained by the association about the number of complaints to the Information Commissioner’s Office were included in a press release and distributed to newspapers and radio stations in the 40 postcode areas with the highest rates of complaints. This was timed ahead of a parliamentary debate on the Financial Guidance and Claims Bill. APIL’s president was interviewed live on BBC Radio about the figures and the need for a ban to be included in the Bill.

The readers’ letters page is the second most-read page of any newspaper, after the front, and APIL uses them to extend its reach to the general public and parliamentarians. Letters are usually from the president, but sometimes members are asked to get involved and put their names to letters for their local publications.

The association ran five letter campaigns in 2018. One objected to the proposed repeal of some health and safety measures for adventure activities. This reached a circulation of nearly half a million. A campaign telling readers that cold calls are still not subject to an outright

ban reached a print circulation of 1,126,898. Other topics included the fact that injury claims are not to blame for rising insurance premiums; the need for the Department of Transport’s plans to improve cycling safety to include safer roads; and a call for more robust HGV licencing rules, on the anniversary of the Glasgow bin lorry tragedy.

Rebutting misinformation

Letters pages are also where the association rebuts negative stories or misinformation about personal injury. APIL’s press team maintains a zero tolerance policy on this. Throughout the course of the year APIL has contacted journalists, or issued letters for print to several national newspapers. At the beginning of the year, *The Times* printed a letter from the association’s president, Brett Dixon, refuting an editorial comment which claimed the NHS was suffering from a ‘compensation culture’ and that many patients should settle for an apology.

Mr Dixon gave an interview to BBC Radio Three Counties radio about a playground which was threatened with closure, ostensibly because of the cost of a compensation claim for an injured child.

APIL’s *Compensation Explained* booklet, which covers many of the misconceptions about personal injury claims, was offered to members to buy, at cost price, for display in their offices.

Trade press

APIL’s press team maintains strong relationships with legal and insurance industry publications. Statements, press releases and briefings have covered a range of issues including: a response to the Justice

Select Committee's recommendations on small claims; fixed costs for clinical negligence claims; the NHS Resolution's annual report; and developments with the Civil Liability Bill. Publications which covered APIL's messages include *The Brief*, the *Law Society Gazette*, *Legal Futures*, *Litigation Futures*, *Insurance Post*, *Insurance Times*, *Insurance Age*, *Claims Media*, *New Law Journal*, *Modern Claims Magazine*, and *Actuarial Post*.

A particularly well-received story, published widely in trade journals and on their websites, discredited the principles of the Civil Liability Bill. Ahead of the Bill's second reading in the House of Lords, a press release used Compensation Recovery Unit statistics to point out that motor claims were at a ten-year low.

Coverage in industry journals and news websites throughout 2018 has included multiple in-depth comment pieces, exploring themes and ideas. A blog for the *Legal Futures* website explored how little had changed since the Government deemed an increase to the small claims limit 'inappropriate' in 2013.

The Times law section published a comment piece from the association about the Civil Liability Bill reforms, detailing how little benefit there is to the average driver of a £35 saving when it means rights are diminished. The *Law Society Gazette* published a comment article about politics over-riding all the evidence against the reforms. It also featured a piece about the flaws in the system when someone is killed, exploring the problems with inquest funding, bereavement damages, and the effect of the capped success fee on fatal claims. And in a new arrangement with CILEX's membership magazine, a quarterly column from APIL's president has covered the benefits of APIL membership, the motivation to represent injured people and the association's injury prevention initiatives. Other publications to include extended comment and editorial from APIL include *Claims Magazine*, *Insurance Post*, and *Modern Insurance Magazine*.

Injury Prevention Day

Each year APIL takes on a new theme for Injury Prevention Day to highlight an avoidable hazard. In 2018, the campaign highlighted the correct positions for vehicle headrests in order to help protect people from whiplash injuries.

A series of graphics, created in-house, were used to demonstrate how to adjust a headrest correctly. A press release and accompanying photo of how to perform a 'head rest test' explained that half of all car crashes in England result in whiplash. The campaign was supported by vehicle safety experts Thatcham Research. This press release gained widespread coverage across the UK in local newspapers and regional news websites.

APIL approached charities, campaign organisations, and members, to gather support for Injury Prevention Day. Supporters helped to circulate APIL's messages on Twitter using the hashtags #IPDay18 and #headresttest. This led to APIL gaining double the number of Twitter impressions for the event compared to 2017. Many members and their firms got involved online, with some creating their own guides to adjusting headrests, taking photographs, and writing blogs to support the campaign.

A poll on Twitter revealed that a third of respondents did not know how to check, or had not checked if their headrest was in the correct position.

APIL's hashtag for Injury Prevention Day, #headresttest, reached 48,765 Twitter feeds.



“A poll on Twitter revealed that a third of respondents did not know how to check, or had not checked, if their headrest was in the correct position.”

Twitter

APIL's @APIL Twitter account is used to engage with MPs, peers, members, journalists and the public. In 2018, the number of followers on this account increased by 10 per cent to more than 9,000.

This account has achieved many successes in 2018, including 149 retweets about the fact that injured people are often not interested in money, but just want their lives back.

In total, APIL was retweeted 8,323 times in 2018, a 15 per cent increase on 2017. The number of 'likes' on APIL's tweets also increased by 53 per cent compared with 2017.

APIL also tweeted live throughout important debates on the Civil Liability Bill, which proved a valuable way to share APIL's messages on this subject as the debate progressed. A *Law Society Gazette* journalist

recommended the @APIL account to his 12,000 followers to follow for updates.

APIL has also used Twitter to help dispel myths about compensation by sharing a graphic every Friday using the hashtag #FridayFact.

PARLIAMENTARY LOBBYING

Civil Liability Act: Whiplash and Discount Rate Reforms

The year was dominated by the Government's personal injury reforms, and the introduction and passage of the Civil Liability Act. It was take two for the whiplash and small claims reforms, which the Government had been forced to abandon the previous year because of the

snap General Election. Not content with just focusing on whiplash and small claims, the Government included in the legislation proposals to alter how the personal injury discount rate is set. A challenge faced by APIL was to ensure that both parts of the Bill received detailed scrutiny based on evidence, and not on hyperbole and misinformation.

- Eight of the most common claims made throughout debates were examined by APIL in a 'fact checker' document. The fact checker de-bunked myths about insurance premiums, fraud, legal costs, over-compensation and the impact of the new discount rate on the NHS. It was produced ahead of a parliamentary drop-in event held in conjunction with the Motor Accident Solicitors Society (MASS). At the event APIL and MASS representatives made themselves available for questions and discussions with MPs and their staff.
- Through the course of the Bill's journey, nine separate political briefings were produced, while individual meetings continued across the country with MPs, peers, and their staff. These meetings involved members of the House of Commons Justice Select Committee, shadow justice ministers in both Houses of Parliament, and with the two justice ministers who had responsibility for the Bill.
- Stressing that injured people are not stockbrokers, APIL proposed an amendment to ensure the discount rate was calculated based on a 'very low level of risk'. The amendment was tabled by shadow minister Lord McKenzie of Luton, but was defeated by the Government. Other amendments suggested by APIL included the need for judicial involvement in setting the proposed whiplash tariffs. The Government eventually conceded this point.
- APIL sought to return transparency and expertise to the first review of the discount rate by lobbying for the retention of an independent expert panel.



“In total, APIL was retweeted 8,323 times in 2018, a 15 per cent increase on 2017.”

Despite accepting a recommendation of the justice committee to involve an expert panel in the first review and defending that decision during debate, the Government later accepted a Liberal Democrat amendment to reverse that decision. APIL, which had previously called for the panel's inclusion in the first review, lobbied in the House of Commons and supported amendments to restore the role of the expert panel. The Government fought off this further challenge.

- Members were more active than ever in the campaign and made great use of a new social media tool and dedicated campaign web page. From this web page, members with Twitter accounts were able to send pre-drafted tweets to their MPs. This feature was made available to members three times, and the tweets asked MPs to read APIL's briefing, attend debates, and support amendments to the Bill. A combined total of 182 tweets were sent to 134 individual MPs. Also available on the Civil Liability Bill webpage was an outline document which members could use to write to their MPs. Full support was made available to members in their lobbying activities, and APIL staff joined members in their own meetings with MPs in their constituencies.

Cold Calling

The year started with the hope that the Government would follow through on its commitment to introduce a ban on cold calling by claims management companies. The commitment was made by the Government in late 2017 during a debate on the Financial Guidance and Claims Bill but was watered down as the Bill continued through Parliament. APIL supported amendments proposed by the Labour Party, which attempted to hold the Government to its commitment. Discussions were held with Labour's work and pensions team, and dedicated briefings were provided to shadow minister Jack Dromey.

Other Parliamentary Activity

- Two select committee chairmen were among those to attend APIL's parliamentary reception in February. Bob Neill of the justice committee and Lilian Greenwood of the transport committee joined MPs and peers at the event, which was hosted by Labour MP Alex Norris. The event was used to launch APIL's *Compensation Explained* booklet, and several MPs agreed to have copies of the booklet in their constituency offices. Other attendees included justice committee members David Hanson and Ellie Reeves, as well as Jim Shannon, the Democratic Unionist Party's Health and Human Rights Spokesman.
- Members of a joint parliamentary committee were warned by APIL that the Government's drive for openness and transparency in the NHS risked being undermined. The warning came in response to the Draft Health Service Safety Investigations Bill, which would allow information gathered as part of a safety investigation not to be disclosed, except in limited circumstances or by order of the High Court. This would be known as a 'safe space' investigation. At the end of the year ministers dropped plans to allow NHS Trusts to conduct internal 'safe space' investigations, but plans to allow a proposed Health Service Safety Investigations Body to conduct 'safe space' investigations would continue.
- APIL supported a parliamentary early day motion (EDM) on bereavement damages tabled by the Labour MP Keith Vaz. The EDM called on the Government "to amend the Fatal Accidents Act 1976 to provide a new, fairer way of providing damages to bereaved families in England and Wales". The EDM followed ongoing discussions between APIL and Keith Vaz about the association's bereavement damages campaign. APIL members were encouraged to write to their MPs to ask



Brett Dixon with Bob Neill of the justice committee

them sign the EDM, which received the support from Labour, Democratic Unionist Party, Scottish National Party, and independent MPs.

- The Government started the process of tabling statutory instruments (SIs) to prepare for the UK's exit from the European Union. APIL established a working group of members to scrutinise the SIs relevant to APIL's work. At the end of the year APIL was considering its response to an SI which would end the ability of a person injured in a road traffic accident in the European Economic Area to pursue a claim for compensation in the UK.

“Claimants have challenged the Government suggestion that weak cases are unmeritorious and are firmly of the view that there has already been significant reform which needs time to bed down before further reform is proposed.”

LEGAL AFFAIRS AND LAW REFORM

RTA soft tissue injury IT project

From the start of 2018 APIL was heavily involved in Ministry of Justice (MoJ) working groups on whiplash reform. APIL was represented on the steering, legal, liability and consumer groups tasked with assisting the MoJ in this work. A number of key issues were decided early on, including confirmation that the insurance industry would fund the build of the IT solution to support changes being brought forward in the Civil Liability Bill and that implementation would be for road traffic accidents (RTAs) first. The Motor Insurers' Bureau (MIB) was appointed as project lead for these reforms.

During the first four months of the year regular meetings of these groups were held but little substantial progress was made. By July the progress with the development of the IT project was stalling and the Government announced that the reforms would be delayed until April 2020. In addition, the MoJ proposed that these stakeholder groups were merged and one large sprint workshop group was formed. APIL has three representatives on this group Brett Dixon, David Bott and Jonathan Scarsbrook.

In the final quarter of 2018, the MIB undertook a tender process for the IT software provider and work started on what the claims process would look like. Meetings were held with ADR providers as Government confirmed that low cost ADR will form part of the process. Medco is also being consulted regarding its role in the new process. A significant amount of work remains necessary to get the process agreed and IT developed in time for the implementation date.

Low Value Personal Injury Civil Justice Council work

Following the conclusion of the gastric illness work in early 2018, APIL was asked to assist the Civil Justice Council (CJC) with examination of low value PI work more generally. The terms of reference for the group were to consider “What further reforms could be introduced to low value (under £25k) personal injury claims more generally, with a view to (i) preventing unmeritorious claims and (ii) resolving meritorious claims more quickly and with the costs reduced.” APIL has four representatives on this group.

There is little consensus amongst the group. Claimants have challenged the Government suggestion that weak cases are unmeritorious and are firmly of the view that

there has already been significant reform which needs time to bed down before further reform is proposed. There are also a number of outstanding proposals for reform in the areas of low value road traffic claims, noise induced hearing loss and clinical negligence which should also be afforded the time to settle before further reforms are considered. Government continues to apply pressure for further reform to be considered and work continues into 2019.

Low Value Clinical Negligence Civil Justice Council work

Nearly a year after the Department of Health published its consultation on fixed recoverable costs in lower value clinical negligence claims it published a summary of responses and next steps. It confirmed that a working group would be set up to develop a bespoke process for clinical negligence claims and a grid of costs will be developed to reduce cost. Work on this began in April with Andrew Parker and David Marshall announced as the chair and vice chair of the CJC working group, respectively. APIL is represented on the core group by Suzanne Trask. The work continued through the year with little consensus on what the scheme should look like. Areas of disagreement include after-the-event (ATE) insurance: the NHS wants to remove recoverability of the remaining part of ATE premiums in clinical negligence and is being very forthright about this. There has been a proposal to remove inquest costs in the new process. There is also no consensus between claimant and defendants representatives regarding the timeframes to respond to the letter of notification, and letter of claim.

Costs have yet to be discussed, however it has been suggested that they will be mediated towards the end of January 2019. This remains of concern to APIL as it must not be done without a process being agreed first.

Discount rate

The Government Actuary's Department (GAD) invited APIL to attend a meeting with both the GAD and representatives from the MOJ, to discuss the call for evidence document that the Government issued as part of the process for setting the personal injury discount rate in future. As the year drew to a close, the Ministry of Justice issued yet another call for evidence: this time on investment behaviour of individuals whose damages are affected by the discount rate. APIL had issued two surveys this year which were designed to assist with the anticipated calls for evidence: overall, 160 members provided responses and case studies: APIL's response to the call for evidence will be issued in the New Year.

Discount rate: long term university research project

APIL's discount rate working group proposed a research project to investigate the various issues and situations which have an effect on the investment behaviour of those in receipt of substantial personal injury compensation awards. Bearing in mind the scale of the research, which will require face to face interviews, it is likely to be most effective if the project is set up to complete ahead of the second discount rate review which will, most likely, take place in 2024. This review will be conducted by the expert panel and research such as this could be taken into account.

APIL plans to work with Nottingham Trent University to ensure that the project is up and running no later than 2022, with a view to completion in 2023.

In June we met with officials at the MoJ to raise concerns about the uptake of periodical payment orders (PPOs). This had previously been raised directly with Lord Keen (the MoJ spokesperson in the House of Lords). A number of proposals were suggested to improve the

uptake of PPOs and we were advised that this work will be picked up by the CJC in 2019. Concerns were also raised about the indemnity levels for employers' liability insurance policies following reports from members that levels are often too low to support PPOs.

Gastric illness claims – MoJ call for evidence

APIL responded to the MoJ's request for further information on how these claims might be incorporated into a scheme by 15 January 2018. The low value pre-action protocol (PAP) came into force on 7 May 2018.

Help with Fees Scheme

Salford's CCMCC staff had indicated that retrospective applications to the Help with Fees (HwF) scheme (or fee remission) almost all emanate from claimant personal injury lawyers. CCMCC indicate that these applications double the amount of work necessary for staff at Salford to process the application, which in turn adds to delays in processing applications. The knock on effect was that HMCTS is looking at ways to deal with the issue and there was a suggestion that help with fees might no longer apply to these claims. APIL wrote to Susan Acland-Hood, CEO of HMCTS indicating that any proposal to remove the ability for personal injury claimants to claim HwF would have serious implications for access to justice and would be vigorously opposed by APIL. APIL then met officials from HMCTS and the Ministry of Justice to discuss solutions to encourage earlier applications for HwF.

A 'hints and tips' article written by staff at CCMCC will be published in PI Focus in the New Year.

Civil Money Claims Project

There are two pilots currently ongoing: a litigants in person (LiP) pilot and a legal representatives pilot which are testing online claims issuing.

In the legal representatives pilot, APIL put forward several firms of solicitors who volunteered to test the system: claim forms are being issued, but further development is on hold while work concentrates on the LiP project which has gone live: over 17,000 claims have been issued this year.

@PIneedToKnow

APIL's legal affairs and public affairs teams conduct a daily monitor of news, legal, political, government and stakeholder websites to ensure that the association remains up to date on daily developments of interest. The legal affairs team tweets much of the detail from this web monitoring via its dedicated twitter account @pineedtoknow. The account is aimed primarily at APIL members and experts, attracting an audience of companies and individuals with an interest in keeping up to date about developments in PI law and related issues.

CONSULTATIONS

APIL responded to 20 consultations in 2018, on a wide range of issues affecting injured people. All APIL's consultation responses can be found on the association's website, under "campaigning" and "consultations and responses". APIL members can provide comments on consultations via the "current consultations" page on the members' area of the website.

Improving services for bereaved people

APIL responded to two consultations in 2018 focussing on the support bereaved families receive when trying to obtain answers about their loved one's death. The Ministry of Justice issued a call for evidence in August on legal aid for inquests. APIL highlighted the importance of non-means tested legal aid for bereaved families at inquests, to ensure that the family can engage fully with, and be at the forefront of, the investigation process. As part of its wider "Victims Strategy", the Ministry of Justice also consulted on the introduction of an Independent Public Advocate (IPA). APIL welcomed the proposal to introduce a central independent figure to coordinate parties following a disaster. The IPA could play a vital role in ensuring that the family accesses the right assistance, and is able to engage with inquiries and find answers. APIL stressed, however, that the IPA role should not be a substitute for independent legal advice.

Cycle safety review

There were a number of consultations this year on cycle safety. Responding to the Government's Cycling and Walking Strategy safety review, APIL suggested that in order to improve the number and safety of cyclists, there must be greater investment in the infrastructure of Britain's roads. Proposals such as the introduction of a strict liability principle for accidents involving cyclists, and compulsory insurance for cyclists were considered, but the conclusion was that these would be unworkable. On separate proposals to introduce new cycling offences, APIL supported parity of available offences, regardless of whether death or injury was caused by a driver or cyclist. This was despite our disappointment that the focus of the consultation was purely on cycling offences. A wider review of road safety is needed, to make the roads safer for all.

Claims management regulation

APIL welcomed the Financial Conduct Authority's (FCA) proposals for a tougher approach to the regulation of claims management companies (CMCs), this year. The FCA set out proposals for CMCs to be required to meet higher standards in order to be authorised to operate. Robust regulation of the entire legal sector is vital to ensure that injured people are properly protected against exploitation. APIL also welcomed the Department for Digital, Culture, Media and Sport consultation on introducing fines for directors for breaches of cold calling regulations. However, the only way to truly prevent the intrusive and distasteful practice of cold calling is to introduce a complete ban.

Reviews of LASPO Parts 1 and 2

2018 saw the Ministry of Justice embark on reviews of Parts 1 and 2 of the Legal Aid, Sentencing and Punishment of Offenders Act. APIL engaged with the MoJ on both reviews, providing both written responses and meeting with civil servants. On LASPO Part 1, APIL highlighted the difficulties that members experience when trying to obtain legal aid for their clients and in communicating with the Legal Aid Agency. The scope of legal aid for clinical negligence claims is far too narrow, and the financial eligibility rules are often far too complex for survivors of child abuse. In response to the MoJ's review of LASPO Part 2, APIL pointed out that while lawyers have worked hard to adapt to difficult situations arising from the reforms, there are a number of issues remaining. The indemnity principle must be abolished. Part 36 of the Civil Procedure Rules must be adapted to provide an incentive to encourage early acceptance of claimant's offers by the defendant. APIL also calls for a corresponding provision for defendants who are fundamentally dishonest in their defence of claims.

Brexit

Given the uncertainty surrounding the form "Brexit" will take, APIL approached the issue of what the UK leaving the European Union would mean for injured people, with a broad brush. A working group of members from a variety of specialisms assembled a list of top-line policies, setting out what APIL believes a "successful Brexit for injured people would look like". The list includes maintenance of health and safety standards, and continued application of the Brussels I (recast) regulation. APIL continues to monitor statutory instruments relating to Brexit, which, at time of writing, are being "sifted" by the House of Commons European Statutory Instruments Committee. APIL's working group considers those instruments relevant to our priorities, to ensure that fundamental changes are not made without proper scrutiny.

GDPR

With the implementation of the GDPR this year, the legal affairs team fielded numerous enquiries from members relating to the new Data Protection Act 2018, particularly in relation to efforts to gain access to health records from various healthcare providers. APIL also liaised with the Law Society to encourage publication of a revised BMA/Law Society medical records consent form, publication of which was delayed until November 2018.

Interventions

APIL regularly receives requests for financial assistance or to intervene, as well as pro-actively taking the initiative to intervene in individual cases. Criteria is applied to all applications: APIL will not provide indemnities for adverse costs, but will make written submissions or make applications to intervene in support of particular issues.

All requests are considered by a challenging judgments working party made up of two of the APIL officers, senior APIL staff and co-opted EC members who have relevant expertise in particular cases.

The challenging judgments working party considered four cases where APIL's intervention was either requested by instructing solicitors or where APIL considered a pro-active application, only one of which (*Hislop v Perde*) was ultimately taken forward this year. *Hislop* concerned the late acceptance of Part 36 offers. Unfortunately, the claimant's appeal, supported by APIL's intervention, was unsuccessful.

APIL IN THE JURISDICTIONS

Northern Ireland

- **Parliamentary activity**

Opportunities to help injured people and bereaved families in Northern Ireland were under consideration by APIL as the year ended. Northern Ireland has been without a devolved government since January 2017, but the Northern Ireland (Executive Formation and Exercise of Functions) Act passed at Westminster in November provided further clarification about what decisions can be made by civil servants. It is hoped by APIL that civil servants can rely on the new legislation to carry out a much-needed review of the discount rate in Northern Ireland, which remains at 2.5 per cent, and commit to an increase in bereavement damages, which had been planned for 2019.

- **Consultations**

APIL monitored for relevant consultations in Northern Ireland this year. There were no consultations issued on topics within APIL's remit.



Gordon Dalyell gives evidence to the Scottish Parliament

“Gordon Dalyell and Ronnie Conway were involved in a considerable amount of behind-the-scenes diplomacy.”

Scotland

- **Parliamentary activity**

The year was dominated by two pieces of Scottish legislation which will have significant impact on injured people.

Civil Litigation (Expenses and Group Proceedings) (Scotland) Act

APIL members were involved from the very beginning of Sheriff Principal Taylor's review of civil costs in 2011, a review which culminated in this Act which was passed in May. It is very good news for pursuers: it will deliver one way costs shifting (QOCS), damages based agreements (DBAs) and a sliding scale of success fees. Crucially, damages for future losses were not ring-fenced from success fee calculations. Briefings were provided at every stage of debate and Scotland representatives Gordon Dalyell and Ronnie Conway were involved in a considerable amount of behind-the-scenes diplomacy.

The Damages (Investment Returns and Periodical Payments) (Scotland) Bill

was introduced in June and introduces changes to the way the discount rate is calculated in Scotland. It also reforms the use of periodical payments. Written evidence and briefings were prepared and APIL vice president and Scotland representative Gordon Dalyell gave oral evidence to the Economy, Jobs and Fair Work Committee of the Scottish Parliament. APIL's arguments focussed on the need for full and fair compensation and, in particular, the accurate representation of the cost of investment advice and taxation. At the time of writing, the Bill is continuing its passage through Parliament.

- **Press activity**

The fourth anniversary of the Glasgow bin lorry tragedy, in which six people died, was the subject of an article in *The Herald*, following an interview with APIL Scotland co-ordinator Ronnie Conway. A letter was also published in a number of newspapers calling for a change to the system so that a driver only receives a HGV licence if the DVLA has seen the applicant's medical records. The letter also called for the Secretary of State for Transport to consult on the issue.

- **Consultations**

APIL responded to two consultations in Scotland this year. In relation to Scottish Government proposals to increase court fees, APIL set out its view that full costs recovery should not be the main focus. APIL also highlighted that the quality of service within the court system is not reflective of the level of fee paid. In March, an Independent Review of Legal Services Regulation in Scotland was published. APIL stressed the importance of those who need legal advice being able to access quality legal services providers who are properly regulated. APIL called for the term “lawyer” to be protected, to ensure that only those legally qualified are permitted to use it.

“APIL stressed the importance of those who need legal advice being able to access quality legal services providers who are properly regulated.”

WORKING WITH OTHER ORGANISATIONS

AFM Register of Mediators

In September APIL, FOIL and MASS were approached by the Civil Mediation Council regarding the AFM Register of Mediators. In several discussions that followed, it became apparent that the Civil Mediation Council could take over some of the responsibility for the website. It has been agreed that the website will continue to be branded as the APIL, FOIL, MASS Register of Mediators, and the register will be solely for the benefit of APIL, FOIL and MASS members. APIL members and mediators should continue to monitor APIL’s publications for updates.

Serious Injury Guide

There are now 84 claimant signatories and 13 insurer signatories to the guide. A stakeholder workshop was held on 21 November, with representatives from a range of claimant and defendant firms, and insurers. The benefits of the guide were discussed, including that the guide prompts rolling disclosure, and encourages open dialogue and earlier resolution of liability. Following the stakeholder event, the Serious Injury Guide Steering Committee plans to put together a “hints and tips” video to address issues such as a lack of confidence to route map, and how to handle claims where there are multiple defendants.

Cross Industry Working Party on Low Value Rehabilitation Claims

APIL was represented on a cross industry working party, established by FOIL, to develop a process for

rehabilitation in whiplash claims under the Civil Liability Act 2018. The group consisted of claimant, insurer and rehabilitation provider representatives, with the aim of establishing an industry agreed workable model to address issues arising in relation to rehabilitation of whiplash injuries. This model would be submitted to the Ministry of Justice. A draft process and template invoice was agreed by the group, and submitted to the MoJ, in December this year.

At time of writing, we continue to await the Government’s response to Part 2 of their consultation on reducing the cost and number of whiplash claims.

Claims Management Regulatory Consultative Group

APIL attended the June meeting of the Claims Management Regulatory Consultative Group this year. At the meeting, it was revealed that between March and June 2018, the number of authorised businesses had fallen to 1,234 overall, down 5 per cent from the same quarter last year. Just over half of those businesses were operating in the personal injury sector. It was noted that there had been a decline in CMCs operating in the holiday sickness sector.

Motor Insurers’ Bureau: Brexit stakeholder meetings

The MIB invited a number of interested parties to its first Brexit working group meeting on 1 October 2018. The meeting provided an opportunity to discuss the issues of the Green Card scheme and the Motor Insurance Directives and how Brexit would affect injured people and insurers. Further meetings were planned for early 2019.

Diffuse Mesothelioma Payment Scheme Oversight Committee

APIL's representative on the oversight committee, Bridget Collier, attended a number of meetings this year as part of the committee's work. This included auditing sample applications and visiting the offices of TopMark, which took over the administration of the scheme from Gallagher Bassett during the year.

County Court Money Claims Centre

APIL attends the regular stakeholder group meetings held by the CCMCC, Salford, at which various aspects of the court's interactions with practitioners and litigants are discussed. This year, the continuing increase in applications for Help with Fees and the legal adviser pilot were among the issues dealt with by this group. APIL also met with officials from the MoJ HMCTS and CCMCC to press our concerns about any moves to restrict access by personal injury claimants to the Help with Fees scheme.

Criminal Injuries Compensation Authority

We continued to represent the interests of victims of criminal injury by virtue of APIL's seat at the CICA's Stakeholder and Equality Forum. APIL attends the regular stakeholder group meetings held by the CICA at its offices in Glasgow.



Brooke Trotter, above, was a pedestrian who was hit by a speeding car in 2007. After 8 years of rehabilitation he began speaking to audiences and blogging to increase awareness of traumatic brain injury. Brooke's presentation to the APIL annual conference provided a valuable insight into life after injury.



PUBLISHING AND PUBLICATIONS – PAPER AND ONLINE

PI Focus

This is APIL's flagship members' publication, covering a wide range of topics written by leading barristers, solicitors, experts and other professionals. Including: a report of APIL's 2018 annual conference; developments in qualified one-way costs shifting; NIHL claims; SEN in children's claims; a link between traumatic brain injury and dementia; fatal accident compensation; drones from a PI perspective; asbestos-related litigation; lessons on collective actions; duty of care relating to hospital reception staff; pitfalls of GPS data in motorcycle accidents; surrogacy costs as a head of loss; APIL's Serious Injury Guide; scrutiny of the surveillance industry; local authorities' duty to inspect trees; vicarious liability for injury outside the workplace.

“Our ‘*accident or negligence*’ and ‘*compensation explained*’ publications drew significant increases in traffic from people seeking to find out basic information about the injury claim process.”

APIL Guides and APIL Loose-leaf

APIL renewed its publishing contract with Lexis-Nexis this year. Lexis-Nexis purchased Jordan Publishing and has taken over responsibility for publishing the APIL Guides and loose-leaf publication, *“APIL Personal Injury: Law, Practice and Precedents.”*

Journal of Personal Injury Law (JPIL)

JPIL is published by Thomson Reuters in conjunction with APIL. The quarterly journal's editorial board had a few changes this year as Nigel Tomkins, longstanding case and comment editor retired from the board. Colin Ettinger, who has been JPIL's general editor since June 2017 announced his retirement, due to take effect in the New Year. JPIL is delighted to appoint Jeremy Ford of 9 Gough Square as General Editor. He has been working with Colin Ettinger on the final 2018 issue and will take over in 2019. John McQuater and Brett Dixon have jointly taken over the role of case and comment editors.

Experts and rehabilitation services directory

Adverts, sales and rehabilitation providers' listings produced income of £8,800 from this annual directory, published in June.

apil.org.uk

The 'find a lawyer' search facility now links to Google Maps to ensure lawyers geographically close to injured people are shown in search results. The aim is to provide the user with a choice of lawyers within 10 miles. If this is not possible the search is expanded until a suitable

lawyer is displayed. The search is very popular and receives an average of 4,950 visitors per month.

Work continued on the website to further enhance our online service for APIL members and stakeholders. People interested in our training and events can now subscribe to training updates via the websites. We have improved the navigation of the website for members by adding a 'My details' drop-down menu to the top-right of the page for instant access to their training log, contact details and specialisms.

A new search facility has been added to the training section, allowing users to search courses, conferences and webinars based on title and content, along with the full scheduled programme of events and on-demand webinars.

Our '*accident or negligence*' and '*compensation explained*' publications drew significant increases in traffic from people seeking to find out basic information about the injury claim process.

Information Exchange Service and discussion forums

The Information Exchange Service provides an online source of case reports, discussion papers, notes on best practice along with the expert database, insurer search facilities, an archive of past issues of the Journal of Personal Injury Law (JPIL), solicitor and barrister search functions, and various guidance and codes.

The online discussion forums allow members to interact with each other and the APIL office. There are currently ten active forums. 'Practice and procedure' is the busiest forum: 43 per cent of all new posts were made on it this year. Overall, there were 7,210 posts and 1,314 threads created this year.

RESEARCH

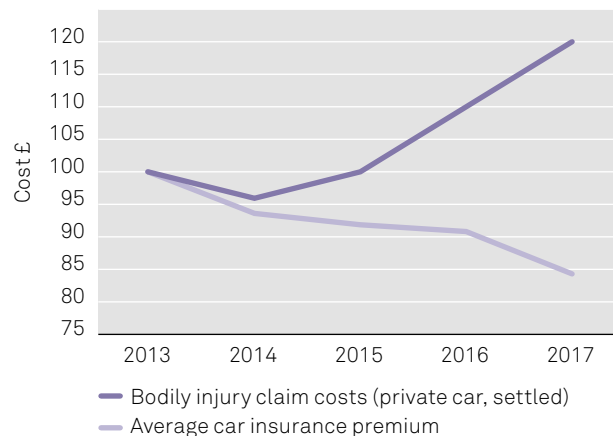
Civil Liability Bill – tackling myths

Throughout 2018 APIL tackled the myths behind the Government’s “whiplash” and discount rate reforms. Our analysis found that:

- Injury claims are not responsible for rising car insurance premiums. Since 2013, the cost to motor insurers of these claims has actually fallen by £855.4 million. Half of all claims spending by motor insurers is for vehicle repairs, which have shot up by £668.4 million since 2013.
- In 2017, just 0.22 per cent of all motor claims were proven to be fraudulent. This includes all motor claims, such as vehicle repair and theft claims. Fraudulent injury claims will only be a fraction of that 0.22 per cent, and fraudulent whiplash claims will be an even smaller fraction of that.

Cost of motor related bodily injury claims, average motor insurance premium (base = 2013)

Source: APIL analysis of ABI data



- Far from crippling it, the cost to the NHS of the new discount rate represents just 0.4 per cent of its entire annual budget.
- Whiplash claims are at their lowest level since 2008/09. The number of these claims fell by 23 per cent between 2016/17 and 2017/18. This is the biggest annual drop in these claims ever recorded.
- Far from suffering a hit to their profits from the new discount rate, UK motor insurers recorded an underwriting profit of more than £250 million in 2017 – the largest since 1994.

Defendant behaviour and the discount rate

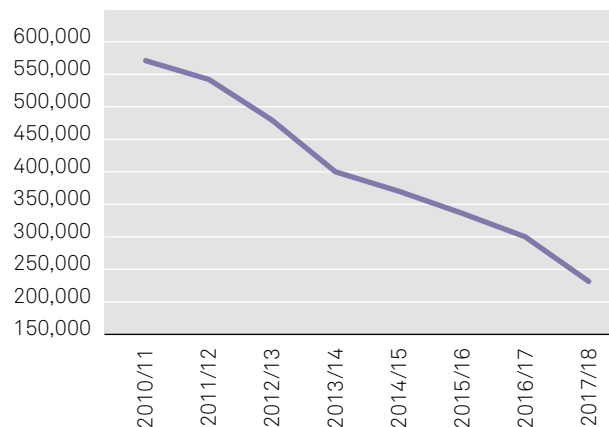
In 2018 we surveyed our members about how defendants have behaved since the discount rate was reduced. The results of the survey revealed that:

- Injured people have been faced with delays to the settlement of their claim. 61 per cent of members who run claims where the discount rate is applied commented that they had experienced attempts by the defendant to delay the settlement of a claim.
- The discount rate change has not increased the willingness of defendants to provide a periodical payment order (PPO) – close to four fifths of members have experienced no increase in willingness to provide a PPO.

Defendants are arguing that claims should not settle at the statutory discount rate of minus 0.75 per cent. Members commented that defendants are only settling claims at minus 0.75 per cent where a trial is imminent; in other cases they are arguing that a higher rate should be used.

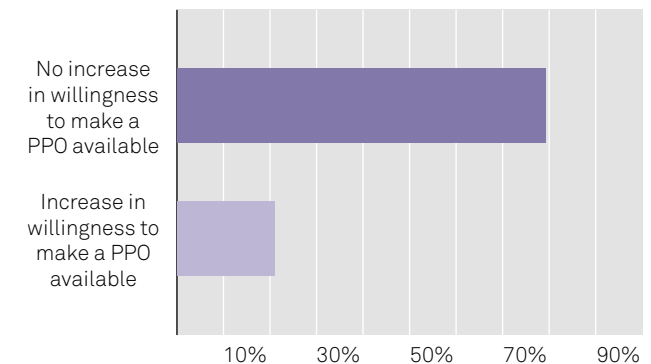
Number of whiplash claims recorded by the Compensation Recovery Unit (CRU)

Source: CRU



Since the discount rate was reduced, close to four fifths of APIL members have experienced no increase in defendants' willingness to provide a PPO

Source: APIL membership survey



The NHS and clinical negligence – how could costs be cut?

Our analysis of NHS Resolution data found that the NHS's spending on compensation would be cut dramatically if a small number of life changing incidents were prevented. The research found that, in 2016/17, just 226 brain damage and cerebral palsy claims made up well over half of the NHS's spending on clinical negligence claims. These cases accounted for just 3 per cent of claims settled by NHS Resolution, yet were responsible for 59 per cent of the NHS's compensation bill.

Complexity in low value RTA claims

Analysis of claims portal data drew into question the Government's argument that injured people do not

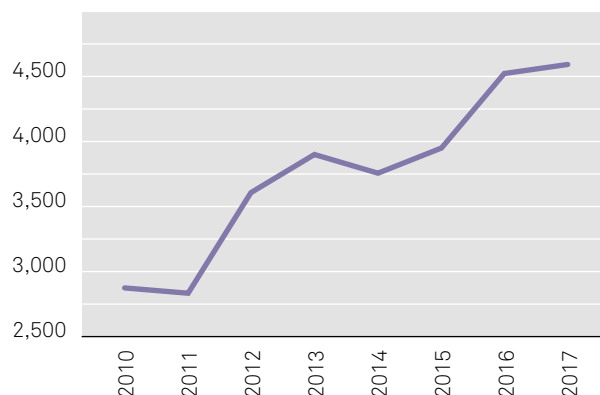
require legal representation to pursue the low-value RTA injury claims currently captured by the portal. Our research found that complex issues arise in a significant number of these supposedly straightforward claims. In 2017 alone:

- 168,114 claims left the portal as the defendant did not accept full liability
- 86,141 claims left the portal as the claimant's representative and the defendant could not reach agreement on the detail of the settlement (e.g. level of damages)
- 70,852 claims had to exit the portal as the claim required further investigation

“Our analysis of NHS Resolution data found that the NHS's spending on compensation would be cut dramatically if a small number of life changing incidents were prevented.”

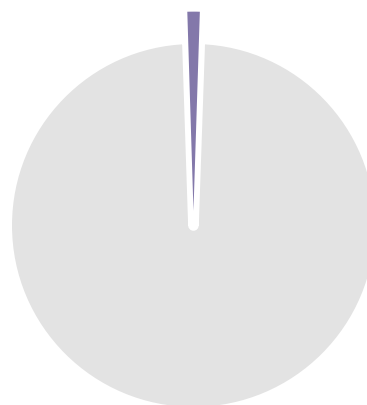
Reported patient safety incidents resulting in death (England)

Source: NHS Improvement



1.04 per cent of successful clinical negligence claimants in 2016/17 had a cerebral palsy claim

Source: NHS Resolution



Cerebral palsy claimants received 28.42 per cent of the damages which NHS Resolution awarded to claimants whose cases were closed/ settled in 2016/17

Source: NHS Resolution



CONFERENCES AND TRAINING

Annual conference – Hilton Birmingham Metropole

Sponsored by Medreport, the conference attracted 151 delegates, 48 speakers, eight sponsor representatives, 86 exhibitor representatives, 43 exhibition stands, four sponsorship packages and generated a healthy profit.

Plenary sessions included 'life after injury' with Brooke Trotter and a panel session covering 'building a sustainable future', led by eight law firm managing partners. APIL introduced seminar streams on business, disease, road traffic collisions and serious injury and 20 popular seminar sessions.

Advanced brain and spinal cord injury conference – Jurys Inn Hinckley Island Hotel

This advanced level conference for catastrophic injury lawyers was attended by 173 attendees: 100 delegates; 17 speakers; 14 sponsor representatives and 42 exhibitor representatives, earning an overall profit. Six sponsorship packages and 21 standard exhibition stands were also sold and the principal sponsor was HCML.

APIL charity golf day and clinical negligence conference – Celtic Manor Resort

APIL's clinical negligence conference was preceded by another charity golf day, this year taking place on the slightly easier Montgomerie Course. A donation of £1,500 was given to the Silverlining Brain Injury Charity. Sponsored by Hayes Medicals, the golf day attracted 12 teams of four: 48 players in total. Charles Stanley was the principal sponsor for the clinical negligence conference. A total of 235 delegates, 16



Annual conference: Hilary Wetherill (top), Nick Shapland (left), The Rt Hon Lord Keen of Elie QC (right)



Annual conference: exhibitors and delegates

speakers, 12 sponsor representatives, and 86 exhibitor representatives attended. Five sponsorship packages, 43 exhibition stands, the golf day and conference combined to ensure that this conference made a profit.

One Day Conferences, Courses and Webinars

A total of 65 training courses and a further 27 in-house courses and consortiums were held throughout the UK this year. APIL also ran four one-day conferences covering abuse, asbestos, accidents abroad and costs.

The training reached 1,394 delegates, with a further 360 delegates and speakers at the one day conferences. Sponsorship was generously granted by Just Costs

Solicitors, Outer Temple Chambers and VFS Legal Funding for the latter events.

Best-selling training courses included the new “*Fatal accidents: Law, practice, procedure and compassion*” which had 81 bookings over two locations. A total of 56 webinars were held, plus three free-of-charge quarterly review webinars. APIL’s webinars made a good profit again this year.

Groups

APIL’s thanks go to all co-ordinators, secretaries and EC members who give their time to organise and attend the groups and their meetings throughout the year.

A total of 33 meetings were arranged throughout the year. The purpose of these groups is to exchange and disseminate information and knowledge in all aspects of law and practice and, to provide an opportunity for APIL members to meet and network. Some groups have been more successful than others over time and some span much larger areas than others making it difficult for members to attend meetings in particular locations. With more and more technology being introduced, many members are no longer taking advantage of this benefit of membership and are looking for delivery of services via alternative means.



STATISTICS

Membership

APIL continued to offer corporate deals for those firms carrying multiple memberships. By the end of the year, APIL had reached a total of 3,434 members: 3,132 paying members and 302 complimentary memberships. An additional 48 members left APIL during the year, having paid their membership fees.

Breakdown by category

*(including complimentary memberships)**

Academic members	7
Associate members	79
Barrister members	65
Honorary members	22
Junior Barrister member	3
Non-practising member	18
Overseas members	85
Paralegal members	210
Practitioner members	2934
Student members	5
eStudent members	6
Archived paying members	48**
Total as at 31 December 2018	3,434

* this includes 302 complimentary memberships

** left firm or no longer doing PI work - 42 practitioners, 3 paralegals, 1 associate, 1 student & 1 overseas member

New members in 2018

523 new members (including 198 complimentary) joined APIL during 2018. These are broken down as follows:

Academic members	0
Associate members	19
Barrister members	25
Junior Barrister member	1
Non-practising member	0
Overseas members	10
Paralegal members	98
Practitioner members	360
Student member	5
eStudent members	5
Total	523

Renewals

3,400 notices to renew (including honorary memberships) were circulated in early March.

Total renewals	2,959
Less archived	48
Current renewals	2,911

This gives an attrition rate of 12.97% compared with 14.99% for 2017.



Lexis-Nexis, publishers of the APIL Guides series, exhibiting at the Annual Conference this year

“By the end of the year, APIL had reached a total of 3,434 members: 3,132 paying members and 302 complimentary memberships.”

Accreditation

Individuals

Litigators	135
Senior Litigators	669
Fellows	124
Senior Fellows	11
Specialist Counsel	6
Accredited members	945

Emeritus members

Senior Litigator Emeritus	15
Fellow Emeritus	12
Senior Fellow Emeritus	3
Non-Accredited	2459
Percentage accredited eligible members	29.98%

Accredited specialists and assessors

In August 2018 a new quality mark for specialists running fatal accidents cases was introduced.

	Specialist	Assessor
Accidents & Illnesses Abroad	9	7
Asbestos Disease	71	20
Brain Injury	56	26
Clinical Negligence	46	21
Fatal Accidents	8	8
Occupational Disease	70	18
Spinal Cord Injury	14	10

In-house accredited branches of firms	68
External training providers	52
Corporate accredited branches of firms	155

Work continued on tailoring the accreditation criteria for members in Scotland and Northern Ireland. In addition, all candidate portfolios have been amended to comply with the new General Data Protection Regulation (GDPR).

Individual monitoring

Monitoring ensures that all accredited members revalidate their status every five years and that sufficient training has been carried out. 126 people revalidated their accreditation during 2018, 18 people were revoked due to non-submission of the revalidation form. A further 81 members had their accreditation revoked due to non-submission of their training log, insufficient CPD hours or not renewing their APIL membership.

Corporate monitoring

A number of monitoring visits were made during the early part of 2018, prior to the new GDPR being introduced towards the end of May. The new GDPR requires consent to view files during monitoring visits. As a result, further visits were suspended to the end of the year. Recommendations were made to corporate accredited firms on obtaining consent with a view to monitoring being resumed in 2019 when it is anticipated that sufficient files will be available.

Code of conduct

The secretary dealt with three complaints from members of the public relating to APIL members. The secretary also pro-actively referred the firm at which one member worked to the SRA after becoming concerned about the lack of supervision afforded to junior staff.

Experts

The total number of experts enrolled on APIL's expert database was 556 at the end of the year: 254 standard

listings, 302 enhanced listings. The year's target of 575 was missed by 19 experts.

Public Enquiries

The number of public enquiries dealt with this year totalled 2,315. APIL's new public enquiries administrator undertook a detailed review of the services provided to the public: streamlining the system used for processing enquiries in the context of APIL's stated objectives and consumer charter, as well as in the wider business context and improving enquiries handling so that APIL's internal systems and success can be measured by the positive feedback received from members of the public throughout the year.

Further improvements are gradually being implemented. These will focus on the service offered to the public through the APIL website and the 'areas of work' descriptions in members' profiles which are used to ensure that referrals are directed to the most appropriate APIL member.

Method of Public Enquiry

Postal	3
Email	66
Chat	124
Lawyer call back	301
APIL Homepage	530
Telephone	1291
Total Enquiries	2315

Public Enquiries by Injury Type

Miscellaneous	2
Environment/Pollution	4
Sport Injury	9
Education	10
Beauty Treatment	16
Armed Forces	17
Accidents involving Animals	17
Human Rights	22
Back or Spinal Injury	24
Head Injury / Brain Injury	26
Fatal Accident	26
Faulty Products	44
Child Injury	46
Criminal Injuries	79
Asbestos and Mesothelioma	80
Abuse or Assault	99
Work related illness	110
Public Liability	191
NHS and Private Health	193
Holiday Accident and Illness	230
Road Accident	312
Accident at Work	337
Trip or Slip	421
Total Enquiries	2315

Attendance at executive committee meetings January – December 2018 (max. seven meetings)

Executive Committee

Brett Dixon ^a	<i>Smith Jones (Solicitors) Ltd, Burnley</i>	7
Gordon Dalyell ^b	<i>Digby Brown LLP, Edinburgh</i>	7
John McQuater	<i>Atherton Godfrey LLP, Doncaster</i>	7
Jill Greenfield	<i>FieldFisher, London</i>	5
David Bott	<i>Bott & Company Solicitors Ltd, Wilmslow</i>	4
Bridget Collier	<i>Fieldfisher, Manchester</i>	4
Sam Elsby ^{c,d}	<i>Dean Wilson Solicitors LLP, Brighton</i>	4
Colin Ettinger	<i>Irwin Mitchell LLP, London</i>	5
Grant Evatt	<i>Alma Law Ltd, Andover</i>	5
Claire Hodgson	<i>SC Law, Harrow</i>	5
Michael Imperato	<i>Watkins & Gunn, Cardiff</i>	6
Oonagh McClure	<i>Thompsons NI, Belfast</i>	5
Jonathan Scarsbrook ^{c,d}	<i>Irwin Mitchell LLP, Sheffield</i>	5
Sharham Sharghy	<i>9 Gough Square, London</i>	2
Neil Sugarman ^{e,f}	<i>GLP Solicitors, Bury</i>	2
Nigel Tomkins ^{e,g}	<i>Tomkins Consultancy, Nottingham</i>	0
Suzanne Trask	<i>Bolt Burdon Kemp, London</i>	6
Suzanne White ^{c,d}	<i>Leigh Day, London</i>	5
Robert Webb ^{e,g,h}	<i>HSR Law, Gainsborough</i>	0

a Re-elected as president at AGM 17 April 2018

b Re-elected as vice-president at 17 April 2018

c Elected at AGM 17 April 2018

d Out of a possible five executive meetings after the AGM

e Out of a possible two executive meetings prior to AGM

f Post as immediate past president ended at AGM 17 April 2018

g Did not stand for re-election

h Term ended at AGM 17 April 2018

FINANCIAL REPORT



“Put simply, there are fewer solicitors acting for victims of injury and we have all read of the redundancies and the challenges ahead”



“APIL made one charitable donation during the financial year, of £1,500 to the Silver Lining Brain Injury Charity”

This year has been one of consolidation in a year in which we have seen the profession go through a continuing turbulent time. Put simply, there are fewer solicitors acting for victims of injury and we have all read of the redundancies and the challenges ahead.

What APIL has seen is an increase in our training activities, geared toward the specific needs of our members. Webinars in particular have proved a very good source of information for members and so too of revenue for APIL. In a similar way key conferences have allowed us to focus on key area of concerns and needs of our members and to provide further income for APIL. As an organisation our training team is critical in setting standards and sharing crucial knowledge.

The membership has decreased, the departure of APIL's chief executive incurred unexpected severance expenses and despite the continued efforts of the APIL team and the strategic and cost effective efforts of the executive committee, the year ended with a deficit of £30,752.

Turnover in 2018 fell by 0.94 per cent on 2017 and the residential conference contribution to the profit and loss

fell by 13% year-on-year. This was tempered by a 20% increase in the revenue generated by training activities and further costs savings were made in overheads and staff costs.

In terms of our membership, the year has developed out very much as expected, with 100 fewer fully paid members, equating to a drop of three per cent on the previous year. The fall in membership numbers is reflected in the total income received from subscriptions in 2018, although the reduction is softened by the £5 increase added to the membership fee this year: the total of £676,463 is down on the previous year's figure by £7,813.

I am pleased to report that we have not had to make any withdrawals from APIL's reserves in 2018, which at the year-end stood at £919,592. The reserves remain high for the association, but in view of the on-going consultations and expected changes in the market it is considered that this is an appropriate level of reserves. It also affords the association opportunities to meet those changes and, if necessary, mount legal challenges to them in the future.

Cash holdings at the end of 2018 have also fallen this year reducing by £133,025, to stand at £1,022,317.

APIL made one charitable donation during the financial year, of £1,500 to The Silver Lining Brain Injury Charity which encourages brain injured people to engage with the wider community, helping them discover a sense of purpose, social structure and added meaning in their lives.

Finally, I would of course extend my thanks to the staff at the APIL office, who have worked hard to ensure that the deficit remains as small as possible in what have undoubtedly been testing circumstances this year.

Jill Greenfield Treasurer

REPORT OF THE EXECUTIVE COMMITTEE

YEAR ENDED 31 DECEMBER 2018

COMPANY INFORMATION

Directors:

D E Bott	B Collier	G Dalyell
C B Ettinger	J E McQuater	B Dixon
S Sharghy	J Greenfield	C Hodgson
J M Imperato	O M McClure	S J Trask
S White	S Elsby	J Scarsbrook

Secretary:

J E McQuater

Registered Office:

3, Alder Court, Rennie Hogg Road, Nottingham NG2 1RX

Registered Number:

02889757 (England And Wales)

Auditors:

Ebs Chartered Accountants
Gothic House, Barker Gate, Nottingham NG1 1JU

REPORT OF THE DIRECTORS FOR THE YEAR ENDED 31 DECEMBER 2018

The Executive Committee present their report and the audited financial statements for the year ended 31 December 2018.

PRINCIPAL ACTIVITY

The principal activities of the company are to campaign for improvements in personal injury law on behalf of injured people; to promote, encourage and develop expertise in the practice of personal injury law by education and the exchange of information and knowledge.

DIRECTORS

The directors shown below have held office during the whole of the period from 1 January 2018 to the date of this report.

D E Bott	B Collier	G Dalyell
C B Ettinger	J E McQuater	B Dixon
S Sharghy	J Greenfield	C Hodgson
J M Imperato	O M McClure	S J Trask

Other changes in directors holding office are as follows:

N L Sugarman - *resigned 17 April 2018*
N Tomkins - *resigned 17 April 2018*
R Webb - *resigned 17 April 2018*
G Evatt - *resigned 17 April 2018*
S White - *appointed 17 April 2018*
S Elsby - *appointed 17 April 2018*
J Scarsbrook - *appointed 17 April 2018*

FINANCIAL RISK MANAGEMENT

The company's objective regarding financial risk management is to keep exposure of price risk, credit risk, liquidity risk and cash flow risk to a minimum. The company makes sales on normal credit terms and manages the related risks through its credit control procedures. In the opinion of the Executive Committee the exposure of such risks has been assessed and at present deemed to be low and at an acceptable level for the company to continue to operate.

QUALIFYING THIRD PARTY INDEMNITY PROVISIONS

The company maintains liability insurance for directors and officers as permitted by section 234 of the Companies Act 2006

PROVISION OF INFORMATION TO AUDITOR

So far as each of the members of the Executive Committee are aware at the time the report is approved:

- there is no relevant audit information of which the company's auditor is unaware, and
- the members of the Executive Committee have taken all steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditor is aware of that information.

STATEMENT OF DIRECTORS' RESPONSIBILITIES

The directors are responsible for preparing the Report of the Directors and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

STATEMENT AS TO DISCLOSURE OF INFORMATION TO AUDITORS

So far as the directors are aware, there is no relevant audit information (as defined by Section 418 of the Companies Act 2006) of which the company's auditors are unaware, and each director has taken all the steps that he or she ought to have taken as a director in order to make himself or herself aware of any relevant audit information and to establish that the company's auditors are aware of that information.

This report has been prepared in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

J E McQuater Director

On behalf of the Board, 6 March 2019



AUDITOR'S REPORT TO THE MEMBERS

Opinion

We have audited the financial statements of Association of Personal Injury Lawyers (the 'company') for the year ended 31 December 2018 which comprise the Income Statement, Balance Sheet and Notes to the Financial Statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' (United Kingdom Generally Accepted Accounting Practice).

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 December 2018 and of its deficit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law.

Our responsibilities under those standards are further described in the Auditors' responsibilities for the audit of the financial statements section of our report. We are independent of the company in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Conclusions relating to going concern

We have nothing to report in respect of the following matters in relation to which the ISAs (UK) require us to report to you where:

- the directors' use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the directors have not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the company's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

Other information

The directors are responsible for the other information. The other information comprises the information in the Report of the Directors, but does not include the financial statements and our Report of the Auditors thereon.

Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Opinion on other matters prescribed by the Companies Act 2006

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Report of the Directors for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the Report of the Directors has been prepared in accordance with applicable legal requirements.

Matters on which we are required to report by exception

In the light of the knowledge and understanding of the company and its environment obtained in the course of the audit, we have not identified material misstatements in the Report of the Directors.

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit; or
- the directors were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies' exemption from the requirement to prepare a Strategic Report or in preparing the Report of the Directors.

Responsibilities of directors

As explained more fully in the Statement of Directors' Responsibilities set out on pages two and three, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the directors determine necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the directors are responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

Auditors' responsibilities

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue a Report of the Auditors that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at www.frc.org.uk/auditorsresponsibilities. This description forms part of our Report of the Auditors.

Use of our report

This report is made solely to the company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in a Report of the Auditors and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Jill Evenden Senior Statutory Auditor

for and on behalf of EBS Chartered Accountants
Date: 11 April 2019

INCOME STATEMENT

YEAR ENDED 31 DECEMBER 2018

	Notes	2018 £	2017 £
Revenue		2,186,853	2,207,672
Cost of sales		927,562	943,325
Gross surplus		1,259,291	1,264,347
Administrative expenses		1,290,634	1,285,290
Operating deficit	4	(31,343)	(20,943)
Interest receivable and similar income		1,725	8,848
Deficit before taxation		(29,618)	(12,095)
Tax on deficit		1,134	160
Deficit for the financial year		(30,752)	(12,255)

The financial statements have been prepared in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were approved by the Board of Directors on 6 March 2019 and were signed on its behalf by:

Mrs J Greenfield Director

BALANCE SHEET

YEAR ENDED 31 DECEMBER 2018

	Notes	2018 £	2017 £
Fixed assets			
Property, plant and equipment	6	487,653	501,325
Current assets			
Debtors	7	182,727	125,933
Cash at bank		1,022,315	1,155,342
		1,205,042	1,281,275
Creditors			
Amounts falling due within one year	8	585,620	609,446
Net current assets		619,422	671,829
Total assets less current liabilities		1,107,075	1,173,154
Creditors			
Amounts falling due within one year	9	(40,396)	(76,014)
Provisions for liabilities		(2,961)	(2,670)
Net assets		1,063,718	1,094,470
Reserves			
Income and expenditure account	10	1,063,718	1,094,470
Members' funds		1,063,718	1,094,470

NOTES TO THE FINANCIAL STATEMENTS

1. Statutory Information

Association of Personal Injury Lawyers is a private company, limited by guarantee, registered in England and Wales. The company's registered number and registered office address can be found on the Company Information page.

2. Accounting Policies

Basis of preparing the financial statements

These financial statements have been prepared in accordance with the provisions of Section 1A "Small Entities" of Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and the Companies Act 2006. The financial statements have been prepared under the historical cost convention.

The financial statements are prepared in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008). The particular accounting policies adopted are described below. The profit and loss account has been replaced by an income and expenditure account as the Executive Committee considers that this statement is more appropriate given the nature of the company's activities.

Income

Membership subscriptions to the association cover a period of twelve months to 31 March each year. Subscriptions received during the year have been credited to the income and expenditure account, subject to the deferral of three months of each subscription, representing that portion attributable from 1 January 2019 to 31 March 2019.

Other income represents income from conferences, training events and publishing, and is recognised when the contractual obligations of the service for which the receipt relates have been delivered.

Tangible fixed assets

Depreciation is provided at the following annual rates in order to write off each asset over its estimated useful life.

Freehold property – 2% on cost
Fixtures and fittings – 20% on cost

Taxation

Taxation for the year comprises current and deferred tax. Tax is recognised in the Income Statement, except to the extent that it relates to items recognised in other comprehensive income or directly in equity.

Current or deferred taxation assets and liabilities are not discounted.

Current tax is recognised at the amount of tax payable using the tax rates and laws that have been enacted or substantively enacted by the balance sheet date.

Deferred tax

Deferred tax is recognised in respect of all timing differences that have originated but not reversed at the balance sheet date.

Timing differences arise from the inclusion of income and expenses in tax assessments in periods different from those in which they are recognised in financial statements. Deferred tax is measured using tax rates and laws that have been enacted or substantively enacted by the year end and that are expected to apply to the reversal of the timing difference.

Unrelieved tax losses and other deferred tax assets are recognised only to the extent that it is probable that they will be recovered against the reversal of deferred tax liabilities or other future taxable profits.

Hire purchase and leasing commitments

Rentals paid under operating leases are charged to surplus or deficit on a straight line basis over the period of the lease.

Pension costs and other post-retirement benefits

The company operates a defined contribution pension scheme. Contributions payable to the company's pension scheme are charged to profit or loss in the period to which they relate.

Interest receivable

Interest receivable is credited to the income and expenditure account on an accruals basis.

Leases

Operating lease rentals are charged against income in equal amounts over the lease term.

3. Employees And Directors

The average number of employees during the year was 23 (2017 - 23).

4. Operating Deficit

The operating deficit is stated after charging:

	2018 £	2017 £
Depreciation - owned assets	927,562	943,325



5. Membership Subscriptions

	2018 No	2017 No	2018 £	2017 £
Practitioner members	2,841	2,908	630,660	628,180
Student members	11	6	455	120
Paralegal members	105	158	13,105	18,940
Academic members	6	8	630	800
Overseas members	85	82	9,545	8,855
Associate members	59	70	9,440	10,755
Barrister	72	59	11,415	9,075
Other members	6	8	1,205	1,635
Honorary members	227	105	0	0
Total	3,412	3,404	676,455	678,350
Add deferred income brought forward			168,440	174,309
Less deferred income brought forward			(168,434)	(168,440)
Total			676,461	684,229
Corporate accreditation income received in the year			54,267	56,325
Add deferred income brought forward			20,618	24,998
Less deferred income brought forward			(20,587)	(20,618)
			54,298	60,705
			730,759	744,934

6. Property, Plant and Equipment

	Land and buildings £	Plant and machinery £	Totals £
Cost			
At 1 January 2018	577,135	40,400	617,535
Additions	-	2,987	2,987
At 31 December 2018	577,135	43,387	620,522
Depreciation			
At 1 January 2018	92,342	23,868	116,210
Charge for the year	11,542	5,117	16,659
At 31 December 2018	103,884	28,985	132,869
Net book value			
At 31 December 2018	473,251	14,402	487,653
At 31 December 2017	484,793	16,532	501,325

7. Debtors: Amounts falling due within one year

	2018 £	2017 £
Trade debtors	72,658	53,340
Other debtors	110,069	72,593
	182,727	125,933

8. Creditors: Amounts falling due within one year

	2018 £	2017 £
Trade creditors	114,186	58,502
Taxation and social security	16,320	66,355
Other creditors	455,114	484,589
	585,620	609,446

9. Creditors: Amounts falling due after more than one year

	2018 £	2017 £
Other creditors	40,396	76,014

10. Reserves

	£
Income & Expenditure Account	
At 1 January 2018	1,094,470
Deficit for the year	(30,752)
At 31 December 2018	1,063,718

10. Related Party Transactions

During the year the following amounts have been paid to directors either directly or to companies controlled by them, All transactions are at arms length and are on normal commercial terms.

	2018 £	2017 £
Training fees		
N Tomkins	-	1,062
J McQuater	90,864	95,694
C Clement-Evans	-	4,266
B Dixon	49,242	54,342
N Sugarman	-	1,862
C Ettinger	1,318	860

Legal advice

Field Fisher	-	13,126
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J Greenfield a director of the company is a director of Field Fisher

12. Share Capital

The company is limited by guarantee and does not have share capital. Every member of the Association undertakes to contribute such amount as maybe required (not exceeding £1) to the assets of the Association if it should be wound up.

13. Ultimate Controlling Party

The company is limited by guarantee and has no shareholders. Under the constitution the Executive Committee is the ultimate controlling party.

DETAILED INCOME & EXPENDITURE

YEAR ENDED 31 DECEMBER 2018

	2018 £	2017 £
Turnover		
Membership and Accreditation	821,255	841,166
Conference, SIGS and regional meetings	576,165	598,068
Training events	716,822	701,283
Publishing	72,611	67,155
	2,186,853	2,207,672
Cost of sales		
Membership	15,095	20,824
Conference	383,459	392,442
Training events	407,834	407,087
Legal affairs and research	15,544	15,947
Publishing	80,775	70,619
Public affair	28,063	36,386
Mediators	(3,208)	20
	927,562	943,325
Gross Surplus	1,259,291	1,264,347
Other income		
Deposit account interest	1,725	8,848
	1,261,016	1,273,195
Expenditure		
Wages	714,594	799,087
Social security	79,320	91,012
Pensions	46,831	48,693

	2018 £	2017 £
Expenditure (Cont.)		
Severance pay	138,998	-
Property costs	53,443	57,643
Insurance	7,857	1,614
Staff training	2,663	10,093
Telephone	22,017	19,831
Other costs	53,496	39,136
Travelling	9,050	6,850
IT costs	18,298	20,844
Executive committee	29,381	60,297
Strategic alliance	-	1,503
Printing, post and stationery	45,337	47,386
Sundry expenses	1,818	-
Legal and professional	25,075	43,283
Auditors' remuneration	4,500	4,500
Donations	-	1,500
Depreciation of tangible fixed assets	17,028	15,948
	1,269,706	1,269,220
	(8,690)	3,975
Finance costs		
Bank charges	2,104	-
Credit card	13,216	8,473
Mortgage interest	5,608	7,597
	20,928	16,070
Net deficit	(29,618)	(12,095)

DIRECTORS

JANUARY - DECEMBER 2018



Brett Dixon / President
Smith Jones (Solicitors) Ltd,
Burnley



Gordon Dalyell / Vice President
Digby Brown LLP, Edinburgh



John McQuater / Secretary
Atherton Godfrey LLP,
Doncaster



Jill Greenfield / Treasurer
Fieldfisher,
London



David Bott
Bott & Company Solicitors
Ltd, Wilmslow



Bridget Collier
Fieldfisher,
Manchester



Sam Elsby
Dean Wilson Solicitors LLP,
Brighton



Colin Ettinger
Irwin Mitchell LLP,
London



Grant Evatt
Alma Law Ltd,
Andover



Claire Hodgson
SC Law,
Harrow



Michael Imperato
Watkins & Gunn,
Cardiff



Oonagh McClure
Thompsons NI,
Belfast



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